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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92054923
Party	Defendant Consolidated European Brands Ltd.
Correspondence Address	CONSOLIDATED EUROPEAN BRANDS LTD 17 LANDSDOWNE ROAD CROYDON, CRO 2BX UNITED KINGDOM
Submission	Answer
Filer's Name	Michael J. MacDermott
Filer's e-mail	pto@cph.com
Signature	/Michael J. MacDermott/
Date	03/16/2012
Attachments	Answer to Petition for Cancellation.pdf ( 4 pages )(114097 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Trademark Registration Nos. 1,790,599, 3,322,442 and 4,018,064  
For the Marks BLACK DEATH and Design, BLACK DEATH and BLACK DEATH,  
respectively

Valg eir Tomas Sigurdsson

Petitioner,

v.

Consolidated European Brands Ltd.

Respondent.

Cancellation No. 92054923

**ANSWER TO PETITION FOR CANCELLATION**

Respondent Consolidated European Brands, Ltd. ("Respondent") submits its Answer to Petitioner Valgeir Tomas Sigurdsson's ("Petitioner") Petition to Cancel in the above-identified Cancellation proceeding pending before the United States Trademark Trial and Appeal Board:

1. Respondent lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 1 of the Petition, except that Respondent owns the right to the mark BLACK DEATH.
2. Respondent denies the allegations in Paragraph 2 of the Petition.
3. Respondent denies the allegations in Paragraph 3 of the Petition.
4. Respondent denies the allegations in Paragraph 4 of the Petition, except that Petitioner admits that Registration No. 2760856 was canceled on grounds set forth in the records of the United States Patent and Trademark Office.

5. Respondent denies the allegations in Paragraph 5 of the Petition, except that Respondent admits that it filed a class 32 application for BLACK DEATH.

6. Respondent denies the allegations in Paragraph 6 of the Petition.

7. Respondent lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 7 of the Petition, except that it admits on information and belief that the United States Patent and Trademark Office rejected Petitioner's application.

8. Respondent admits on information and belief the allegations set forth in Paragraph 8 of the Petition.

9. Respondent lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 9 of the Petition.

10. Respondent denies the allegations in Paragraph 10 of the Petition.

#### **ABANDONMENT**

9. [sic] Respondent denies the allegations in Paragraph 9 [sic] of the Petition.

10.[sic] Respondent denies the allegations in Paragraph 10 [sic] of the Petition.

11.[sic] Respondent denies the allegations in Paragraph 11 [sic] of the Petition.

#### **FRAUD**

12. [sic] Respondent denies the allegations in Paragraph 12 [sic] of the Petition.

13. [sic] Respondent denies the allegations in Paragraph 13 [sic] of the Petition.

14. [sic] Respondent denies the allegations in Paragraph 14 [sic] of the Petition.

15. [sic] Respondent denies the allegations in Paragraph 15 [sic] of the Petition.

#### **PRIOR USE AND BREACH OF CONTRACT**

16. [sic] Respondent denies the allegations in Paragraph 16 [sic] of the Petition.

17. [sic] Respondent denies the allegations in Paragraph 17[sic] of the Petition.

**AFFIRMATIVE DEFENSES**

First Affirmative Defense

1. Petitioner lacks any valid ownership interest in, or other rights to, the mark.

Second Affirmative Defense

2. Petitioner's claims are barred in whole or in part by the equitable doctrine of unclean hands.

Third Affirmative Defense


3. Petitioner's claims are barred in whole or in part by the equitable doctrines of waiver and estoppel.

Therefore, Respondent respectfully requests that judgment be entered in its favor, and against Petitioner.

DATED: March 16, 2012

Respectfully submitted,

By

  
\_\_\_\_\_  
Brian K. Brookey  
Michael J. MacDermott  
Attorneys for Respondent  
Christie, Parker & Hale, LLP  
P.O. Box 29001  
Glendale, CA 91209-9001  
Phone: 626/795-9900

**CERTIFICATE OF TRANSMISSION AND SERVICE**

I certify that on March 16, 2012 a true and correct copy of the foregoing document entitled ANSWER TO PETITION FOR CANCELLATION is being electronically transmitted for filing to the:

Commissioner for Trademarks  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

It is further certified that on March 16, 2012, a true and correct copy of the foregoing document entitled ANSWER TO PETITION FOR CANCELLATION is being served on counsel for Petitioner by mailing a copy thereof by U.S. Postal Service, first-class mail, addressed to:

Neil Steiner  
STEINER & LIBO PROFESSIONAL CORPORATION  
433 N. Camden Drive , Suite 730  
Beverly Hills, CA 90210

*Attorneys for Petitioner,  
Valgeir Tomas Sigurdsson*

By: 

Brian K. Brookey  
Michael J. MacDermott  
Attorneys for Respondent  
Christie, Parker & Hale, LLP  
P.O. Box 29001  
Glendale, CA 91209-9001  
Phone: 626/795-9900